

#23

In the United States Patent and Trademark Office

Applicants:	Thomas H. Roessler et al.	Docket No.:	14541
Serial No.:	09/216,545	Group:	3761
Confirmation No:	9533	Examiner:	K. Reichle
Filed:	December 18, 1998	Date:	December 18, 2002

For: Pant-Like Disposable Absorbent
Articles With An Easy Opening
Feature

Provisional Terminal Disclaimer

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Sir:

The Present Application

- Noted
11-18-03
1. Kimberly-Clark Worldwide, Inc., doing business at 401 North Lake Street, Neenah, Wisconsin, 54956, is the assignee of the entire right, title and interest in and to the above-referenced present pending U.S. patent application serial number 09/216,545 filed on December 18, 1998 for "Pant-Like Disposable Absorbent Articles With An Easy Opening Feature".
 2. Assignment of the inventors' rights in present patent application serial number 09/216,545 to Kimberly-Clark Worldwide, Inc. is evidenced by an assignment document which has been recorded in the U.S. Patent and Trademark Office at Reel 9666, Frame 0023.

Copending Commonly Assigned Application

1. Kimberly-Clark Worldwide, Inc. is also the assignee of the entire right, title and interest in and to copending U.S. patent application serial number 09/706,294 filed on November 3, 2000 for "Pant-Like Disposable Absorbent Articles".
2. Assignment of the inventors' rights in copending patent application serial number 09/706,294 to Kimberly-Clark Worldwide, Inc. is evidenced by an assignment document which has been recorded in the U.S. Patent and Trademark Office at Reel 011310, Frame 0382.

Right of Assignee to Prosecute

Kimberly-Clark Worldwide, Inc. certifies:

- (a) that the evidentiary documents have been reviewed; and
- (b) that to the best of Kimberly-Clark Worldwide, Inc.'s knowledge and belief, title of present U.S. patent application serial number 09/216,545 is in Kimberly-Clark Worldwide, Inc.

04/01/2003 T. H. FC 09216545 09216545

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Provisional Terminal Disclaimer

1. In the event that a patent based upon copending U.S. patent application serial number 09/706,294 issues prior to any patent based upon the present U.S. patent application serial number 09/216,545, Kimberly-Clark Worldwide, Inc. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present U.S. patent application serial number 09/216,545, which would extend beyond the expiration date of the full statutory term, including any applicable term extensions, defined in 35 U.S.C. 154 and 156 for said earlier issuing patent.
2. Kimberly-Clark Worldwide, Inc. hereby agrees that any patent granted upon present U.S. patent application serial number 09/216,545 shall be enforceable only for and during such period that the legal title to such patent shall be the same as the legal title to copending U.S. patent application serial number 09/706,294 and any patent(s) issuing therefrom. This agreement shall run with any patent granted upon present U.S. patent application serial number 09/216,545 and shall be binding upon the Kimberly-Clark Worldwide, Inc., its successors and/or assigns.

Exceptions to Provisional Terminal Disclaimer

In the event that, after the filing of this Terminal Disclaimer, any patent based upon copending U.S. patent application serial number 09/706,294:

- (a) expires for failure to pay a maintenance fee;
- (b) is held unenforceable;
- (c) is found invalid by a court of competent jurisdiction;
- (d) is statutorily disclaimed in whole;
- (e) is terminally disclaimed under 37 C.F.R. 1.321(a);
- (f) has all of its claims canceled in a reexamination certificate; or
- (g) is otherwise not deemed to provide the rights conveyed by 35 U.S.C. 154 prior to the expiration of its full statutory term;

Kimberly-Clark Worldwide, Inc. specifically does not disclaim any terminal part of any patent granted on the present U.S. patent application serial number 09/216,545 prior to the expiration date of the term defined in 35 U.S.C. 154 and 156 including any term extensions as applicable to any patent granted on copending U.S. patent application serial number 09/706,294.

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Pursuant to 37 C.F.R. 1.321(c)(1), please charge the \$110.00 fee due in accordance with 37 C.F.R. 1.20(d) to Kimberly-Clark Worldwide, Inc.'s deposit account number 11-0875. This Provisional Terminal Disclaimer is filed in duplicate.

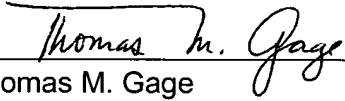
The undersigned is an attorney of record in the present application having serial number 09/216,545.

Respectfully submitted,

KIMBERLY-CLARK WORLDWIDE, INC.

Thomas H. Roessler

By:



Thomas M. Gage

Reg. No.

33,385

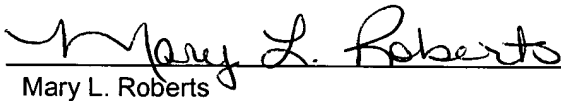
Date:

December 18, 2002

CERTIFICATE OF EXPRESS MAILING

I, Mary L. Roberts, hereby certify that on December 18, 2002 this Provisional Terminal Disclaimer is being deposited with the United States Postal Service, postage prepaid as Express Mail No. ET791925311US, in an envelope addressed to: Box CPA, Assistant Commissioner for Patents, Washington, D.C. 20231.

By:



Mary L. Roberts